

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

MICHAEL D. ST. DENIS, et ux.,)	
)	
Plaintiffs,)	
)	
v.)	No. 3:03-CV-324
)	(GUYTON)
KENNETH M. SEATON, et al.,)	
)	
Defendants.)	

MEMORANDUM AND ORDER

This matter came before the Court on the plaintiffs' Motion to Continue Trial Date And To Extend Scheduling Order Deadlines Or In The Alternative, To Dismiss [Doc. 67]. The plaintiffs' Motion relies on Rule 41(a)(2) of the Federal Rules of Civil Procedure as support for the alternative relief sought, namely, a voluntary dismissal without prejudice. Based on the Court's review of the entire record in this case, the Court finds that the alternative relief requested in the Motion [Doc. 67] is well-taken, and accordingly the Motion [Doc. 67] is **GRANTED**, and this case is **DISMISSED, WITHOUT PREJUDICE**.

The defendant Coca-Cola Enterprises, Inc.'s Motion for Modification To Scheduling Order [Doc. 60] is **DENIED AS MOOT**.

The Joint Motion for Additional Time to File Dispositive Motions [Doc. 65] filed by the defendants Dixie-Narco, Inc. and Kenneth Seaton is **DENIED AS MOOT**.

Wherefore, this matter is dismissed in its entirety, without prejudice to the re-filing of same, and the clerk of Court is directed to close the case.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge